

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Robert Resendiz, a single man,

NO. _____

Plaintiff,

v.

INDEX

Maricopa County; Maricopa County
Correctional Health Services Medical
Director Jeffrey Alvarez; Richard
Friedman, MD (CH102); Rachel Fisher
PA (CH245); Candice Kaiser NP
(1657H); RN 1004H; Grant Phillips MD
(CS108); R. Avalos PAC (1632H); John
and Jane Does and Entities I-X,

Defendants.

Exhibit:

(A) Civil Cover Sheet

(B) State Court Record

Attachments:

1. Supplemental Cover Sheet
2. Recent State Court Docket
3. Complaint
4. Service Documents
5. Remainder of the State Court Record
6. Verification of Sherle R. Flaggman

(C) Superior Court Notice of Removal to the Federal District Court

EXHIBIT A

Civil Cover Sheet

(AO Form JS-44)

EXHIBIT B

State Court RecordAttachments:


1. Supplemental Cover Sheet
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6. Verification of Angela D. Lane

Attachment 1

Supplemental Civil Cover Sheet

Attachment 2

Recent State Court Docket

Select Language 

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Civil Court Case Information – Case History

Case Information

Case Number: CV2021-096050 Judge: Hopkins, Stephen
 File Date: 12/29/2021 Location: Southeast
 Case Type: Civil

Party Information

Party Name	Relationship	Sex	Attorney
Robert Resendiz	Plaintiff	Male	Keith Knowlton
Jeffrey Alvarez	Defendant	Male	Pro Per
Richard Friedman	Defendant	Male	Pro Per
Rachel Fisher	Defendant	Female	Pro Per
Candice Kaiser	Defendant	Female	Pro Per
R N 1004h	Defendant		Pro Per
Grant Phillips	Defendant	Male	Pro Per
R Avalos	Defendant	Unknown	Pro Per
Maricopa County	Defendant		Pro Per
Correctional Health Services	Defendant		Pro Per
Maricopa County Board Of Supervisors	Defendant		Pro Per

Case Documents

Filing Date	Description	Docket Date	Filing Party
5/9/2022	AFS - Affidavit Of Service	5/18/2022	
NOTE: MARICOPA COUNTY BOARD OF SUPERVISORS			
4/14/2022	AFS - Affidavit Of Service	4/17/2022	
NOTE: GRANT PHILLIPS			
4/12/2022	AFS - Affidavit Of Service	4/20/2022	
NOTE: MARICOPA COUNTY			
4/12/2022	AFS - Affidavit Of Service	4/20/2022	
NOTE: R AVALOS			
4/12/2022	AFS - Affidavit Of Service	4/20/2022	
NOTE: CANDICE KAISER NP			
4/12/2022	AFS - Affidavit Of Service	4/20/2022	
NOTE: RN 1004H			
4/12/2022	AFS - Affidavit Of Service	4/20/2022	
NOTE: JEFFREY ALVAREZ			
4/5/2022	375 - Case on Dismissal Calendar	4/5/2022	
3/28/2022	MXS - Motion To Extend Time For Service	3/31/2022	
NOTE: PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO SERVE DEFENDANTS			
3/9/2022	322 - ME: Notice Of Intent To Dismiss	3/9/2022	
12/29/2021	COM - Complaint	12/29/2021	
NOTE: Complaint			
12/29/2021	CSH - Coversheet	12/29/2021	
NOTE: Civil Cover Sheet			
12/29/2021	CCN - Cert Arbitration - Not Subject	12/29/2021	
NOTE: Certificate Of Compulsory Arbitration - Is Not Subject To			
12/29/2021	SUM - Summons	12/29/2021	
NOTE: Summons			
12/29/2021	SUM - Summons	12/29/2021	
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NOTE: Summons

12/29/2021	SUM - Summons	12/29/2021
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NOTE: Summons**Case Calendar**

There are no calendar events on file

Judgments

There are no judgments on file

Attachment 3

Complaint

1 Keith M. Knowlton - SBN 011565
2 Keith M. Knowlton, L.L.C.
3 9920 S. Rural Road, Suite 108, PMB# 132
4 Tempe, Arizona 85284-4100
5 (480) 755-1777; FAX (480) 471-8956
6 Attorney for Plaintiff

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Robert Resendiz,

Plaintiff,

vs.

Maricopa County, Maricopa County
Correctional Health Services Medical Director
Jeffrey Alvarez; Richard Friedman, MD
(CH102); Rachel Fisher PA (CH245); Candice
Kaiser NP (1657H); RN 1004H; Grant Phillips
MD (CS108); R. Avalos PAC (1632H) John &
Jane Does and Entities I-X,

Defendants.

COMPLAINT

CV2021-096050

42 U.S.C. § 1983

Jury Trial Demanded

COMES NOW Plaintiff Robert Resendiz (“Resendiz”), through undersigned
counsel, as and for his Complaint against Defendants, alleges as follows:

JURISDICTION AND VENUE

1. Plaintiff has completed the grievance process and therefore can pursue claims
against Defendants under 42 U.S.C. § 1983.
2. This Court has jurisdiction and venue over this matter and the parties.

PARTIES

3. Plaintiff, Robert Resendiz (“Resendiz”) is, and was at all times relevant, a naturally born citizen of the United States and resident of Maricopa County, Arizona.

4. Maricopa County, a body politic of the State of Arizona.

5. Maricopa County Correctional Health Services is a non-jural entity of Maricopa County and provides medical care and treatment to inmates in the Maricopa County jail system. .

6. Defendant Maricopa County Correctional Health Services Medical Director Jeffrey Alvarez (“Alvarez”) is the Chief Executive Officer of Maricopa County Correction Health Serviced (“CHS”) and is being sued in his official capacity.

7. Defendants Richard Friedman, MD (CH102), Rachel Fisher PA (CH245), Candice Kaiser NP (1657H), RN 1004H, Grant Phillips MD (CS108) and R. Avalos PAC (1632H) are at all relevant times, employees of CHS and caused events to occur in Maricopa County out of which this complaint arose.

JURY TRIAL REQUEST

8. Plaintiff requests a jury trial.

FACTUAL ALLEGATIONS

9. Plaintiff incorporated herein by this reference all the preceding numbered paragraphs.

10. On June 5, 2019, Resendiz while incarcerated at the Lower Buckeye Jail was removed from his cell to attend court. Resendiz has a keep away order from a known violent detainee who goes by the name of “Rusty.” Inmate Rusty and Plaintiff were placed in the same holding cell after coming back from Court and got into a inmate on inmate fight.

11. Resendiz was seen by the medical provider at the jail after he got back to his cell for an evaluation on 6/5/19 following the assault.

12. Resendiz complained of pain in the left ear and right jaw.

13. Exam of left ear showed no hemotympanum or TM perforation, and there was some tenderness to palpation of the right jaw.

14. Plaintiff was sent to the hospital emergency room for evaluation of his head and C-Spine.

15. Resendiz was hit with fists to his left ear, nose, left lower lip, left chin and right jaw.

16. On June 13, 2019 Resendiz continued to experience residual swelling and decreased ROM of his left ring finger PIPJ area.

17. He also has a small residual red raised bump where his right ring finger struck the other inmate's mouth.

18. He was seen by Defendant Richard Friedman MD who assessed "sprain left ring finger PIPJ."

19. Diagnosis of Plaintiff's injury to his finger, swelling and inability to bend the fingertip was due to a fingertip sprain.

20. Plaintiff was ultimately diagnosed with a "Jersey Finger" injury.

21. If there are symptoms of a Jersey Finger, the person should see a doctor and if surgery is needed, it should be performed within approximately ten days of the injury to ensure a good recovery.

22. Physical examination is usually sufficient to diagnose a Jersey Finger.

23. Plaintiff was not seen again by medical until July 19, 2019 when he was seen by PAC MD CH245, Rachel Fisher.

24. Dr. Fisher documented that Plaintiff complained of left hand pain since June and cannot bend the 4th finger due to weakness. He further stated he has numbness of the palm and cannot grip things well. Resendiz complained of continued pain to left right finger at the distal joint with decreased ROM.

25. Dr. Fisher documented that Plaintiff was unable to actively bend R 4th DIP joint.

1 26. Dr. Fisher ordered an MRI of the left hand.

2 27. On July 19, 2019, PA-C CH245, Dr Grant Phillips posted a referral for left hand
3 MRI reviewed. Stated will refer to hand clinic eval. May consider MRI referral based on
4 evaluation by hand specialist.

5 28. ON August 1, 2019, over two months from the injury, NP 1657ah, Candic Karse
6 documented an Alert received: "the Offsite services that you have requested are
7 unavailable within requested timeframe. Client has been booked into the first available
8 appointment." "Follow up with hand as scheduled."

9 29. On August 22, 2019, NP 1657H Candice Karse again documented: Alert received:
10 "the Offsite services that you have requested are unavailable within requested timeframe.
11 Client has been booked into the first available appointment." "Follow up with hand as
12 scheduled."

13 30. On August 27, 2019, RN2242H documented a HNR requesting information
14 regarding MRI and tht Patient has appointment with provider to go over these results.
15 HNR canceled.

16 31. On August 27, 2019, RN 1004H, documented that Plaintiff "need to follow up with
17 hand clinic or permanent damaged to the Joint can occur."

18 32. On September 11, 2019, guards came to his cell to take him out of the cell and did
19 not and would not tell him why unless he refused to go. He therefore not knowing why
20 refused to go and they walked away. He did not know he was being called out to go the
21 hand specialist and requested it be rescheduled. It was rescheduled but it would be 30
22 days until he was seen by a provider. RN 2077H and RN 1004H.

23 33. On October 17, 2019 Plaintiff was seen by a hand specialist. He was diagnosed
24 with having a "Jersey Finger."

25 34. On November 7, 2019 the MRI of his left hand was completed and showed a
"complete tear of 4th digit flexor digitorum profundus tendon with retraction to level of
4th metacarpal."

1 35. Plaintiff ended up having surgery on the finger on January 16, 2020 and had a
2 hunter rod placement.

3 36. Plaintiff had a two stage repair because his injury was more than thirty days old.

4 37. The surgery did not fully resolve the issue.

5 38. Plaintiff is unable to bend his finger. When he tries to make a fist the left ring
6 finger lays flat on his palm while the other fingers tuck in. When he ties his shoes, knead
7 dough at work, grab things with his left hand he is unable to fully grip things due to his
8 finger not closing.

9 39. Claims under 42 U.S.C. § 1983 are personal and a government entity is not
10 respondeat superior liable for the acts of the entities employees unless the employee acted
11 pursuant to policy, practice, procedure, custom, guideline or the Deputies conduct was
12 ratified by the chief executive officer.

13 40. In this case Resendiz asserts there has been a practice of not providing immediate
14 medical care and treatment of injuries such as his “Jersey Finger” that would reduce the
15 injury and increase the possibility of recovery.

16 **COUNT ONE**
17 **(42 U.S.C. § 1983)**

18 41. The allegations set forth above are fully incorporated herein by this reference.

19 42. In committing the above referenced actions and/or omissions and the following,
20 the Defendants Richard Friedman, MD (CH102), Rachel Fisher PA (CH245), Candice Kaiser
21 NP (1657H), RN 1004H, Grant Phillips MD (CS108) and R. Avalos PAC (1632H) (“Medical
22 Provider Defendants”) acted under color of state law, and engaged in conduct that was the
23 proximate cause of a violation of Plaintiff’s rights under the Fourth and Fourteenth
24 Amendments to the Constitution of the United States of America, including but not
25 limited to deliberate indifference to a known medical need, thereby violating Plaintiff’s
civil rights under 42 U.S.C. § 1983.

43. Medical Provider Defendants proximately caused Plaintiff damages, including but

1 not limited to physical injuries, pain and suffering, permanent injuries and emotional
2 distress, in an amount to be proven at trial.

3 44. The severity of Plaintiff's finger injury was obvious from the beginning because he
4 could not bend the finger and the need to get proper medical treatment to the finger
5 quickly was necessary to assure a good outcome from the surgery.

6 45. The Medical Provider Defendants knew the injury required quick medical
7 treatment and did not provide diagnosis or treatment within the first thirty days which
8 resulted in a reduction in the possibility of obtaining full movement after surgery.

9 46. Pursuant to 42 U.S.C. § 1983, the Medical Provider Defendants are liable to
10 Plaintiff for the above described violations of Plaintiffs Constitutional rights. Plaintiff is
11 entitled to all rights, remedies, in law or in equity, available to him under 42 U.S.C. §
12 1983.

13 47.

14 48. The Supervisor Defendant, Alvarez, has set up a system where quick medical care
15 could not be provided by CHS to assure a quick treatment of Plaintiff's injury by the
16 employees.

17 49. The practice and procedure of CHS in scheduling taking time to schedule follow
18 ups and to assure proper diagnosis, even provisional diagnosis from outside medical
19 providers, proximately caused Plaintiff not to have a good recovery and to have ongoing
20 issues with his finger. The Supervisor Defendant alvarez and the Medical Provider
21 Defendants, by the delay in treatment caused a worsening physical injury, pain and
22 suffering and emotional distress all in an amount to be proven at trial.

23 50. The Supervisor Defendants took no disciplinary or corrective action at the time of
24 the grievance and covered up the practice and procedure of the Medical Provider
25 Defendants.

51. Plaintiff is entitled to recover his reasonable costs and attorney's fees under 42
U.S.C. §§ 1983, 1988.

1 52. Plaintiff is entitled to punitive damages.

2 **COUNT TWO**
3 **42 U.S.C. §1983**
4 (Unconstitutional Custom, Policy, Practice
5 Procedure and/or Ratification)

6 53. Plaintiff incorporates herein all the preceding numbered paragraphs.

7 54. Defendant Alvarez was at all relevant times the Chief Executive Officer of CUS.

8 55. The policy, practice and/or procedure of CHS caused a failure to diagnose Plaintiff
9 early when he was sent to the emergency room for evaluation and thereafter delayed
10 scheduling outside hand specialist to review the injury, diagnose the injury and quickly
11 schedule surgery to assure the best possible outcome for Plaintiff.

12 56. As the Chief Executive Officers of CHS, Alvarez has a non-delegable duty to
13 ensure the policies of the CHS are signed to timely meet the medical needs of the inmates
14 who have not been sentenced yet.

15 57. Defendant Alvarez and his appointed supervisors took no action to assure that
16 Plaintiff's finger was timely treated, causing a worsening of his condition that cannot be
17 corrected.

18 58. Defendant Alvarez ratified the conduct of the Medical Provider Defendants by
19 taking no disciplinary action against the Medical Provider Defendants, by ratifying the
20 Medical Provider Defendants conduct and/or taking no disciplinary action against them,
21 Defendant Alvarez has created a practice and procedure that Medical Provider
22 Defendants do not have to timely provide necessary medical care and treatment to
23 inmates that is not life threatening.

24 59. This practice and procedure of impunity was the proximate cause of what
25 happened in this case.

60. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to attorneys fees and
punitive damages from Williams based on the above.

1 61. Plaintiff is entitled to punitive damages.

2 WHEREFORE, Plaintiff demands the following relief, jointly and severally,
3 against Defendants as follows:

4 A. Compensatory general and special damages in an amount according to proof
5 at time of trial;

6 B. Attorneys fees;

7 C. Punitive damages;

8 D. Compensatory Damages;

9 E. Costs of suit necessarily incurred herein;

10 F. Prejudgment interest according to proof; and

11 G. Such further relief as the Court deems just and proper.

12 RESPECTFULLY SUBMITTED this 28th day of December, 2021.

13 KEITH M. KNOWLTON, L.L.C.

14 /s/ Keith Knowlton

15 By: _____

16 Keith M. Knowlton

17 Attorney for Plaintiff

Attachment 4

Service Documents

Person/Attorney Filing: Keith M Knowlton
Mailing Address: 9920 S. Rural Road, Ste. 108 Pmb# 132
City, State, Zip Code: Tempe, AZ 85284
Phone Number: (480)755-1777
E-Mail Address: keithknowlton@msn.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 011565, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Robert M Resendiz
Plaintiff(s),
v.
Maricopa County, et al.
Defendant(s).

Case No. CV2021-096050

SUMMONS

To: Maricopa County

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *December 29, 2021*

JEFF FINE
Clerk of Superior Court

By: *DENISE HILL*
Deputy Clerk



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City, State, Zip Code: Tempe, AZ 85284
Phone Number: (480)755-1777
E-Mail Address: keithknowlton@msn.com
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IN AND FOR THE COUNTY OF MARICOPA

Robert M Resendiz
Plaintiff(s),
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Case No. **CV2021-096050**

SUMMONS

To: Jeffrey Alvarez

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Robert M Resendiz
Plaintiff(s),
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Defendant(s).

Case No. **CV2021-096050**

SUMMONS

To: Richard Friedman, MD

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SUMMONS

To: Rachel Fisher PA

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Person/Attorney Filing: Keith M Knowlton
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City, State, Zip Code: Tempe, AZ 85284
Phone Number: (480)755-1777
E-Mail Address: keithknowlton@msn.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 011565, Issuing State: AZ

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Robert M Resendiz
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Case No. **CV2021-096050**

SUMMONS

To: Candice Kaiser NP

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By: *DENISE HILL*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: Keith M Knowlton
Mailing Address: 9920 S. Rural Road, Ste. 108 Pmb# 132
City, State, Zip Code: Tempe, AZ 85284
Phone Number: (480)755-1777
E-Mail Address: keithknowlton@msn.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 011565, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Robert M Resendiz
Plaintiff(s),
v.
Maricopa County, et al.
Defendant(s).

Case No. **CV2021-096050**

SUMMONS

To: RN 1004H

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *December 29, 2021*

JEFF FINE
Clerk of Superior Court

By: *DENISE HILL*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: Keith M Knowlton
Mailing Address: 9920 S. Rural Road, Ste. 108 Pmb# 132
City, State, Zip Code: Tempe, AZ 85284
Phone Number: (480)755-1777
E-Mail Address: keithknowlton@msn.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 011565, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Robert M Resendiz
Plaintiff(s),
v.
Maricopa County, et al.
Defendant(s).

Case No. **CV2021-096050**

SUMMONS

To: Grant Phillips MD

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

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GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *December 29, 2021*

JEFF FINE
Clerk of Superior Court

By: *DENISE HILL*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Person/Attorney Filing: Keith M Knowlton
Mailing Address: 9920 S. Rural Road, Ste. 108 Pmb# 132
City, State, Zip Code: Tempe, AZ 85284
Phone Number: (480)755-1777
E-Mail Address: keithknowlton@msn.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 011565, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Robert M Resendiz
Plaintiff(s),
v.
Maricopa County, et al.
Defendant(s).

Case No. **CV2021-096050**

SUMMONS

To: R. Avalos PAC (1632H)

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *December 29, 2021*

JEFF FINE
Clerk of Superior Court

By: *DENISE HILL*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Attachment 5

Remainder of the State Court Record

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Clerk of the Superior Court
*** Electronically Filed ***
D. Hill, Deputy
12/29/2021 1:02:27 PM
Filing ID 13764150

Plaintiff's Attorney:

Keith M Knowlton
Bar Number: 011565, issuing State: AZ
Law Firm: Keith M. Knowlton, LLC
9920 S. Rural Road, Ste. 108 Pmb# 132
Tempe, AZ 85284
Telephone Number: (480)755-1777
Email address: keithknowlton@msn.com

CV2021-096050

Plaintiff:

Robert M Resendiz
PO Box 3300
Florence, AZ 85132
Telephone Number: (602)692-6083
Email address: keithknowlton@msn.com

Defendants:

Maricopa County
Clerk of the Bd of Supervisors 301 E. Jefferson, 10th Floor
Phoenix, AZ 85003

Jeffrey Alvarez
234 North Central, Suite 5100
Phoenix, AZ 85004

Richard Friedman, MD
234 North Central, Suite 5100
Phoenix, AZ 85004

Rachel Fisher PA
234 North Central, Suite 5100
Phoenix, AZ 85004

Candice Kaiser NP
234 North Central, Suite 5100
Phoenix, AZ 85004

RN 1004H

AZTurboCourt.gov Form Set #6401051

234 North Central, Suite 5100
Phoenix, AZ 85004

Grant Phillips MD
234 North Central, Suite 5100
Phoenix, AZ 85004

R. Avalos PAC (1632H)
234 North Central, Suite 5100
Phoenix, AZ 85004

Discovery Tier t3

Case Category: Other Civil Case Categories
Case Subcategory: 42 U.S.C. Sect. 1983

Person/Attorney Filing: Keith M Knowlton
Mailing Address: 9920 S. Rural Road, Ste. 108 Pmb# 132
City, State, Zip Code: Tempe, AZ 85284
Phone Number: (480)755-1777
E-Mail Address: keithknowlton@msn.com
[☐] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 011565, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Robert M Resendiz
Plaintiff(s),

Case No. **CV2021-096050**

v.

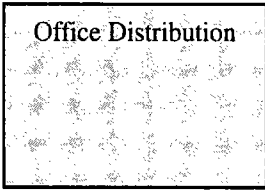
Maricopa County, et al.
Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

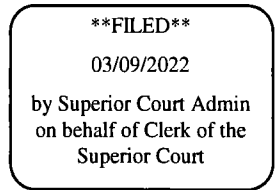
I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Keith M Knowlton /s/
Plaintiff/Attorney for Plaintiff



**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**



03/05/2022

COURT ADMINISTRATION

Ct. Admin
Deputy

Case Number: CV2021-096050

Robert Resendiz

V.

Jeffrey Alvarez

The Judge assigned to this action is the Honorable Stephen M. Hopkins

NOTICE OF INTENT TO DISMISS FOR LACK OF SERVICE

You are hereby notified that the complaint filed on 12/29/2021 is subject to dismissal pursuant to Rule 4 (i) of the Arizona Rules of Civil Procedure. The deadline for completing service is 03/29/2022. If the time for completing service has not been extended by the court and no defendants have been served by this date, the case will be dismissed without prejudice.

All documents required to be filed with the court should be electronically filed through Arizona Turbo Court at www.azturbocourt.gov.

Superior Court of Maricopa County - integrated Court Information System

Endorsee Party Listing

Case Number: CV2021-096050

Party Name	Attorney Name	Bar ID: 011565
Robert Resendiz	Keith M Knowlton	

1 KEITH M. KNOWLTON, L.L.C.
2 9920 S. Rural Road, Suite 108
3 PMB# 132
4 Tempe, Arizona 85284-4100
5 (602) 692-6083
6 FAX (480) 471-8956
7 Attorney for Plaintiff
8 **Keith M. Knowlton - SBN 011565**
9 keithknowlton@msn.com

10 *Attorney for Plaintiff*

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Robert Resendiz,

Plaintiff,

vs.

Maricopa County, Maricopa County Correctional
Health Services Medical Director Jeffrey Alvarez;
Richard Friedman, MD (CH102); Rachel Fisher
PA (CH245); Candice Kaiser NP (1657H); RN
1004H; Grant Phillips MD (CS108); R. Avalos
PAC (1632H) John & Jane Does and Entities I-X,

Defendants

No. CV2021-096050

PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO SERVE
DEFENDANTS

Plaintiff Robert Resendiz, ("Resendiz") requests the Court extend the deadline to serve Defendants in this case. Plaintiff has served all Defendants but Richard Friedman and Grant Phillips through legal Liasson at Maricopa County Correctional Health Services. Friedman and Phillips no longer work for Correctional Health Services. Plaintiff is in the process of doing a skip trace on Defendants Friedman and Phillips and needs additional time to locate them and serve them. It appears Friedman has moved to Montana and Defendant Phillips is now working for the Arizona Department of Corrections.

1 Out of an abundance of caution, Plaintiff is requesting additional time to
2 serve Maricopa County to assure no issue with service by Legal Liasson accepting
3 service on the County's behalf. If any issue arises Plaintiff will serve the County
4 supervisor within this extension.

5 WHEREFORE, Plaintiff requests an additional thirty (30) days from March
6 28, 2022 to serve Defendants in this case to allow location and service of Dr.
7 Friedman out of state and to locate Dr. Philips with the Department of Corrections.

8 RESPECTFULLY SUBMITTED this 28th day of March, 2022.

9 KEITH M. KNOWLTON, L.L.C.

10
11 By /s/ Keith Knowlton
12 Keith M. Knowlton, SBN 011565
13 Attorney for Plaintiff
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Clerk of the Superior Court
*** Electronically Filed ***
04/05/2022 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-096050

04/04/2022

HONORABLE STEPHEN M. HOPKINS

CLERK OF THE COURT
C. Avena
Deputy

ROBERT RESENDIZ

KEITH M KNOWLTON

v.

JEFFREY ALVAREZ, et al.

JEFFREY ALVAREZ
234 N CENTRAL STE 5100
PHOENIX AZ 85004

R N 1004H
234 N CENTRAL STE 5100
PHOENIX AZ 85004
R AVALOS
234 N CENTRAL STE 5100
PHOENIX AZ 85004
MARICOPA COUNTY
CLERK OF THE BOARD OF
SUPERVISORS
301 E JEFFERSON FL 10
PHOENIX AZ 85003
RACHEL FISHER
234 N CENTRAL STE 5100
PHOENIX AZ 85004
RICHARD FRIEDMAN
234 N CENTRAL STE 5100
PHOENIX AZ 85004
CANDICE KAISER
234 N CENTRAL STE 5100
PHOENIX AZ 85004
GRANT PHILLIPS
234 N CENTRAL STE 5100
PHOENIX AZ 85004
JUDGE HOPKINS

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2021-096050

04/04/2022

MINUTE ENTRY

The Court has received Plaintiff's request for additional time to serve the Summons and Complaint. Good cause appearing,

IT IS ORDERED extending the time to complete service to July 7, 2022.

The Court has granted an extension of time for Plaintiff to serve the Complaint and accompanying documents in this case which supersedes the original time computation for dismissal on the Inactive Calendar. Therefore,

IT IS FURTHER ORDERED placing this case on the Inactive Calendar for dismissal without further notice on July 8, 2022 unless an Affidavit of Service of Process is filed before that date indicating that service has been effected in accordance with the Arizona Rules of Civil Procedure.

CLERK OF THE
SUPERIOR COURT
RECEIVED ME
DOCUMENT DEPOSITORY

2022 APR 14 AM 10:59

Linda R. Rizer
888 E. Clinton Street, 2128
Phoenix, AZ 85020

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

FILED
BY D. Lugo, DEP

Robert M. Resendiz;

Plaintiff

Case No.: CV2021-096050

CERTIFICATE OF SERVICE BY
A PRIVATE PROCESS SERVER

Maricopa County, et al

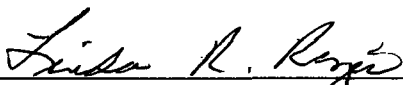
Defendant(s).

Linda R. Rizer, upon her oath and personal knowledge, states as follows:

1. I am over twenty-one (21) years of age, suffer no legal disabilities, and am licensed in Maricopa County as a private process server.

2. On April 11, 2022, at 11:15 am, I served a SUMMONS and COMPLAINT on Grant Phillips, MD, at the Arizona Department of Correction, Rehabilitation and Reentry, 1831 W. Jefferson Street, Phoenix, AZ 85007. Description: Male, Asian, 40's, 6'1", 190 lbs., black hair, brown eyes.

I swear under penalty of perjury pursuant to A.R.C.P. 80(c), this 13th day of April 2022 that the foregoing is true and correct.


Linda R. Rizer, ID #MC-8379

CLERK OF THE
SUPERIOR COURT
RECEIVED CCB #2
DOCUMENT DEPOSITORY

2022 APR 12 PM 12:40

Linda R. Rizer
888 E. Clinton Street, 2128
Phoenix, AZ 85020

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

FILED
BY S Myers DEP.

Robert M. Resendiz;

Plaintiff

Case No.: CV2021-096050

CERTIFICATE OF SERVICE BY
A PRIVATE PROCESS SERVER

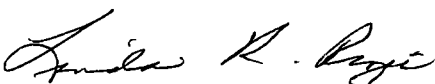
Maricopa County, et al

Defendant(s).

Linda R. Rizer, upon her oath and personal knowledge, states as follows:

1. I am over twenty-one (21) years of age, suffer no legal disabilities, and am licensed in Maricopa County as a private process server.
2. On March 28, 2022, at 11:15 am, I served a SUMMONS and COMPLAINT on Katherine De La Cruz-Martinez, Paralegal, at Correctional Health Services, 234 N. Central Avenue, Suite 5100, Phoenix, AZ 85004 for Maricopa County. Description: Female, Hispanic, 30's, 5'4", 140 lbs., black hair, brown eyes.

I swear under penalty of perjury pursuant to A.R.C.P. 80(c), this 7th day of April 2022 that the foregoing is true and correct.


Linda R. Rizer, ID #MC-8379

CLERK OF THE
SUPERIOR COURT
RECEIVED CCB #2
DOCUMENT DEPOSITORY

2022 APR 12 PM 12:40

Linda R. Rizer
888 E. Clinton Street, 2128
Phoenix, AZ 85020

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

FILED
BY S Myers DEP.

Robert M. Resendiz;

Plaintiff

Case No.: CV2021-096050

CERTIFICATE OF SERVICE BY
A PRIVATE PROCESS SERVER


Maricopa County, et al

Defendant(s).

Linda R. Rizer, upon her oath and personal knowledge, states as follows:

1. I am over twenty-one (21) years of age, suffer no legal disabilities, and am licensed in Maricopa County as a private process server.
2. On March 28, 2022, at 11:15 am, I served a SUMMONS and COMPLAINT on Katherine De La Cruz-Martinez, Paralegal, at Correctional Health Services, 234 N. Central Avenue, Suite 5100, Phoenix, AZ 85004 for R. Avalos PAC (1632H). Description: Female, Hispanic, 30's, 5'4", 140 lbs., black hair, brown eyes.

I swear under penalty of perjury pursuant to A.R.C.P. 80(c), this 7th day of April 2022 that the foregoing is true and correct.


Linda R. Rizer, ID #MC-8379

CLERK OF THE
SUPERIOR COURT
RECEIVED CCS #2
DOCUMENT DEPOSITORY

2022 APR 12 PM 12:39

Linda R. Rizer
888 E. Clinton Street, 2128
Phoenix, AZ 85020

FILED
BY S Myers DEP.

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Robert M. Resendiz;

Plaintiff

Case No.: CV2021-096050

CERTIFICATE OF SERVICE BY
A PRIVATE PROCESS SERVER


Maricopa County, et al

Defendant(s).

Linda R. Rizer, upon her oath and personal knowledge, states as follows:

1. I am over twenty-one (21) years of age, suffer no legal disabilities, and am licensed in Maricopa County as a private process server.
2. On March 28, 2022, at 11:15 am, I served a SUMMONS and COMPLAINT on Katherine De La Cruz-Martinez, Paralegal, at Correctional Health Services, 234 N. Central Avenue, Suite 5100, Phoenix, AZ 85004 for Candice Kaiser NP. Description: Female, Hispanic, 30's, 5'4", 140 lbs., black hair, brown eyes.

I swear under penalty of perjury pursuant to A.R.C.P. 80(c), this 7th day of April 2022 that the foregoing is true and correct.


Linda R. Rizer, ID #MC-8379

Linda R. Rizer
888 E. Clinton Street, 2128
Phoenix, AZ 85020

CLERK OF THE
SUPERIOR COURT
RECEIVED CCB #2
DOCUMENT DEPOSITORY

2022 APR 12 PM 12:40

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

FILED
BY S Myers DEP.

Robert M. Resendiz;

Plaintiff

Case No.: CV2021-096050

CERTIFICATE OF SERVICE BY
A PRIVATE PROCESS SERVER

Maricopa County, et al

Defendant(s).

Linda R. Rizer, upon her oath and personal knowledge, states as follows:

1. I am over twenty-one (21) years of age, suffer no legal disabilities, and am licensed in Maricopa County as a private process server.
2. On March 28, 2022, at 11:15 am, I served a SUMMONS and COMPLAINT on Katherine De La Cruz-Martinez, Paralegal, at Correctional Health Services, 234 N. Central Avenue, Suite 5100, Phoenix, AZ 85004 for RN 1004H. Description: Female, Hispanic, 30's, 5'4", 140 lbs., black hair, brown eyes.

I swear under penalty of perjury pursuant to A.R.C.P. 80(c), this 7th day of April 2022 that the foregoing is true and correct.


Linda R. Rizer, ID #MC-8379

CLERK OF THE
SUPERIOR COURT
RECEIVED CCB #2
DOCUMENT DEPOSITORY

2022 APR 12 PM 12:39

Linda R. Rizer
888 E. Clinton Street, 2128
Phoenix, AZ 85020

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

BY S FILED
myers DEP.

Robert M. Resendiz;

Plaintiff

Case No.: CV2021-096050

CERTIFICATE OF SERVICE BY
A PRIVATE PROCESS SERVER

Maricopa County, et al

Defendant(s).

Linda R. Rizer, upon her oath and personal knowledge, states as follows:

1. I am over twenty-one (21) years of age, suffer no legal disabilities, and am licensed in Maricopa County as a private process server.
2. On March 28, 2022, at 11:15 am, I served a SUMMONS and COMPLAINT on Katherine De La Cruz-Martinez, Paralegal, at Correctional Health Services, 234 N. Central Avenue, Suite 5100, Phoenix, AZ 85004 for Jeffrey Alvarez. Description: Female, Hispanic, 30's, 5'4", 140 lbs., black hair, brown eyes.

I swear under penalty of perjury pursuant to A.R.C.P. 80(c), this 7th day of April 2022 that the foregoing is true and correct.


Linda R. Rizer, ID #MC-8379

Linda R. Rizer
888 E. Clinton Street, 2128
Phoenix, AZ 85020

CLERK OF THE
SUPERIOR COURT
RECEIVED NE
DOCUMENT DEPOSITORY
2022 MAY -9 AM 10:50

IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

FILED
BY G. SEELEY, DEP

Robert M. Resendiz;)
)
Plaintiff) Case No.: CV2021-096050

CERTIFICATE OF SERVICE BY
A PRIVATE PROCESS SERVER

Maricopa County, et al)

Defendant(s).

Linda R. Rizer, upon her oath and personal knowledge, states as follows:

1. I am over twenty-one (21) years of age, suffer no legal disabilities, and am licensed in Maricopa County as a private process server.
2. On May 5, 2022, at 2:00 pm, I served a SUMMONS and COMPLAINT on Mia Vargas, Clerk of Board Assistant, Maricopa County Board of Supervisors, 301 N. Central Avenue, 10th Floor, Phoenix, AZ 85004 for Maricopa County. Description: Female, Hispanic, 30's, 5'4", 140 lbs., black hair, brown eyes.

I swear under penalty of perjury pursuant to A.R.C.P. 80(c), this 9th day of May 2022 that the foregoing is true and correct.


Linda R. Rizer, ID #MC-8379

Attachment 6

Verification of Sherle R. Flaggman

VERIFICATION OF SHERLE R. FLAGGMAN

STATE OF ARIZONA)

)ss.

County of Maricopa)

I, Sherle R. Flaggman, declare under penalty of perjury that I am a Deputy County Attorney with the Maricopa County Attorney's Office, Civil Services Division and that the attached documents are true and complete copies of all pleadings and other documents filed in the state court proceeding *Robert Resendiz v. Maricopa County et al.*, Maricopa County Superior Court Case No. CV2021-096050.

DATED this 6th day of June 2022.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

By /s/ Sherle R. Flaggman
SHERLE R. FLAGGMAN
Deputy County Attorney

EXHIBIT C

Superior Court Notice of Removal to the Federal District Court

1 RACHEL H. MITCHELL
2 MARICOPA COUNTY ATTORNEY

3 By: SHERLE R. FLAGGMAN (019079)
4 ANGELA D. LANE (035963)
5 Deputy County Attorneys
6 flaggmas@mcao.maricopa.gov
7 lanea01@mcao.maricopa.gov

8 CIVIL SERVICES DIVISION
9 225 West Madison Street
10 Phoenix, Arizona 85003
11 Telephone (602) 506-8541
12 Facsimile (602) 506-4317
13 ca-civilmailbox@mcao.maricopa.gov
14 MCAO Firm No. 00032000

15 *Attorneys for Defendants Alvarez, Fisher,*
16 *Kaiser, Jerrel, Avalos, Phillips & Maricopa*
17 *County*

18 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
19 **IN AND FOR THE COUNTY OF MARICOPA**

20 Robert Resendiz, a single man,

21 Plaintiff,

22 v.

23 Maricopa County; Maricopa County
24 Correctional Health Services Medical
25 Director Jeffrey Alvarez; Richard
26 Friedman, MD (CH102); Rachel Fisher
27 PA (CH245); Candice Kaiser NP
28 (1657H); RN 1004H; Grant Phillips MD
(CS108); R. Avalos PAC (1632H); John
and Jane Does and Entities I-X,

Defendants.

No. CV2021-096050

**NOTICE OF FILING NOTICE OF
REMOVAL**

(Assigned to the Hon. Stephen Hopkins)

TO THE CLERK OF THE COURT AND PLAINTIFF:

PLEASE TAKE NOTICE THAT Defendants Alvarez, Fisher, Kaiser, Jerrel,

Avalos, Phillips and Maricopa County, through undersigned counsel, hereby notify this Court that they are filing/have filed a Notice of Removal of this action to the United States District Court for the District of Arizona.

A copy of the Notice of Removal without attachments filed today, June 6, 2022, is attached hereto as Exhibit A.

RESPECTFULLY SUBMITTED this 6th day of June 2022.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

BY: s/Sherle R. Flaggman
SHERLE R. FLAGGMAN
ANGELA D. LANE
Deputy County Attorneys
*Attorneys for Defendants Alvarez, Fisher,
Kaiser, Jerrel, Avalos, Phillips &
Maricopa County*

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the TurboCourt System for filing and transmittal of a Notice of Electronic Filing to the following registrants:

Honorable Stephen Hopkins
Maricopa County Superior Court
Southeast Facility – 2G/207
222 E. Javelina Ave.
Mesa, AZ 85210

Keith M. Knowlton, Esq.
KEITH M. KNOWLTON, L.L.C.
9920 S. Rural Rd., Ste. 108, PMB #132
Tempe, AZ 85284-4100
keithknowlton@msn.com
Attorney for Plaintiff

s/R. Scott

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EXHIBIT A

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

By: SHERLE R. FLAGGMAN (019079)
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CIVIL SERVICES DIVISION
225 West Madison Street
Phoenix, Arizona 85003
Telephone (602) 506-8541
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ca-civilmailbox@mcao.maricopa.gov
MCAO Firm No. 00032000

*Attorneys for Defendants Alvarez, Fisher,
Kaiser, Jerrel, Avalos, Phillips & Maricopa
County*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Robert Resendiz, a single man,

Plaintiff,

v.

Maricopa County; Maricopa County
Correctional Health Services Medical
Director Jeffrey Alvarez; Richard
Friedman, MD (CH102); Rachel Fisher
PA (CH245); Candice Kaiser NP
(1657H); RN 1004H; Grant Phillips MD
(CS108); R. Avalos PAC (1632H); John
and Jane Does and Entities I-X,

Defendants.

NO. _____

**NOTICE OF REMOVAL OF
MARICOPA COUNTY SUPERIOR
COURT CASE NO. CV2021-096050
TO THE UNITED STATES
DISTRICT COURT**

1 Defendants Alvarez, Fisher, Kaiser, Jerrel, Avalos, Phillips and Maricopa County,
2 pursuant to 28 U.S.C. § 1331, §1441(c), §1446(a), and Rule 3.6, Local Rules Civil
3 Procedure for the District of Arizona, notice the removal of the above-captioned case, cause
4 number CV2021-096050, from the Arizona Superior Court, Maricopa County, to this
5 Court, and in support of removal assert the following:
6

7
8 1. On or about December 29, 2021, Plaintiff filed a Complaint against
9 Defendants in the Superior Court of the State of Arizona for the County of Maricopa under
10 the caption *Robert Resendiz v. Maricopa County, et al.*, Case No. CV2021-096050. A
11 copy of the Complaint, and all other documents previously filed in this matter and served
12 on Defendants are attached hereto within Exhibit “B”. (Exhibit “A” is the Civil Cover
13 Sheet.)
14

15 2. The Complaint was served on Defendants Alvarez, Fisher, Kaiser, Jerrel, and
16 Avalos on March 28, 2022. Defendant Phillips was served on April 11, 2022. Defendant
17 Maricopa County was served on May 5, 2022.
18

19 3. As of date of this removal, Defendant Friedman has not been properly served.
20

21 4. This Notice of Removal is being filed within 30 days after service of the
22 Complaint and is therefore timely filed under 28 U.S.C. § 1446(b).
23

24 5. The lawsuit filed in Maricopa County, among other claims, alleges the
25 violation of Plaintiff’s civil rights and is brought under 42 U.S.C. § 1983 for violations of
26 the Fourth and Fourteenth Amendments of the United States Constitution.
27
28

1 6. By reason of the above facts, (a) the United States District Court has original
2 jurisdiction of this civil action pursuant to 28 U.S.C. § 1441(c). All served Defendants
3 consent to the removal of this action.

4 7. A Notice of Filing of Notice of Removal, a true and correct copy of which is
5 attached as Exhibit "C," has been filed in the Arizona Superior Court, County of Maricopa.
6

7 WHEREFORE, Defendants respectfully request that the above action now pending
8 in the Arizona Superior Court, Maricopa County, be removed to this Court.
9

10 **RESPECTFULLY SUBMITTED** this 6th day of June 2022

11 RACHEL H. MITCHELL
12 MARICOPA COUNTY ATTORNEY

13 BY: s/Sherle R. Flaggman
14 SHERLE R. FLAGGMAN
15 ANGELA D. LANE
16 Deputy County Attorneys
17 Attorneys for Defendants Alvarez, Fisher,
18 Kaiser, Jerrel, Avalos, Phillips &
19 Maricopa County

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on June 6, 2022, I caused the foregoing document to be
22 electronically transmitted to the Clerk's Office using the CM/ECF System for filing and
23 transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

24 Clerk of the Court
25 United States District Court
26 Sandra Day O'Connor U.S. Courthouse
27 401 W. Washington Street
28 Phoenix, AZ 85003-2161

///

///

1 Keith M. Knowlton, Esq.
2 KEITH M. KNOWLTON, L.L.C.
3 9920 S. Rural Rd., Ste. 108, PMB #132
4 Tempe, AZ 85284-4100
5 keithknowlton@msn.com
6 *Attorney for Plaintiff*

7 S/R. Scott

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From: [TurboCourt Customer Service](#)
Sent: Monday, June 6, 2022 9:28 AM
To: [Rosemarie Scott](#); [Elena Padua](#)
Subject: AZTurboCourt E-Filing Courtesy Notification

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #6879860 has been delivered to Maricopa County - Superior Court.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: CV2021096050 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Filed By: Sherle Flaggman

AZTurboCourt Form Set: #6879860

Delivery Date and Time: Jun 06, 2022 9:27 AM MST

Forms:

Attached Documents:

Notice of Removal to Federal Court: NOTICE OF FILING NOTICE OF REMOVAL

Exhibit/Attachment (Supporting): Exhibit A

E-Service notification was sent to the following recipient(s):

Keith M. Knowlton, Esq at keithknowlton@msn.com